

## **DETAILED ACTION**

### ***Response to Amendment***

1. The Applicant's Amendments and Accompanying Remarks, filed October 10, 2007, have been entered and have been carefully considered. Claims 6, 15 and 16 are amended, claims 17 - 23 are withdrawn and claims 1 - 4 and 6 - 24 are pending. The Amendments to the Specification have been accepted. In view of the amendments to the claims, the Examiner withdraws the claim objections to claims 6, 15 and 16. In view of Applicant's explanation supported by passages in the Specification, the Examiner withdraws the 35 USC 112, 2<sup>nd</sup> paragraph rejection as detailed in paragraph 8 of the Office Action dated 7/10/07. The invention as currently claimed is not found to be patentable for reasons herein below.
2. The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

### ***Information Disclosure Statement***

3. The listing of references in the specification is not a proper information disclosure statement. 37 CFR 1.98(b) requires a list of all patents, publications, or other information submitted for consideration by the Office, and MPEP § 609.04(a) states, "the list may not be incorporated into the specification but must be submitted in a separate paper." Therefore, unless the references have been cited by the examiner on form PTO-892, they have not been considered. An appropriate IDS has not been filed as of the mailing date of this Office Action.

### ***Drawings***

4. The changes to the drawing submitted 10/10/07 are accepted, however, the drawing must be labeled as either "Replacement Sheet" or "New Sheet". Additionally, any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. The figure or figure number of an amended drawing should not be labeled as "amended." If a drawing figure is to be canceled, the appropriate figure must be removed from the replacement sheet, and where necessary, the remaining figures must be renumbered and appropriate changes made to the brief description of the several views of the drawings for consistency. Additional replacement sheets may be necessary to show the renumbering of the remaining figures. The objection to the drawings will not be held in abeyance.

### ***Claim Rejections - 35 USC § 112***

5. Claim 7 remains rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. Claim 16 is rejected as being dependent claim 7.

6. Claim 7 requires that the mesh size of the upper fine mesh cloth and the mesh size of the cloth are very close. What is encompassed by "very close"? It should be noted that "very close" is a relative term and anything could be considered close on an infinite scale. For the purposes of examination at this time, the Examiner will assume any mesh size in the general vicinity can be considered "very close".

***Claim Rejections - 35 USC § 103***

7. Claims 1 – 8, 11, 15 – 16 and 24 are rejected under 35 U.S.C. 103(a) as being unpatentable over Just et al. (US 4,954,268) in view of Bailey (US 4,728,422). The details of the rejection can be found in paragraph 11 of the Office Action dated 7/10/07. The rejection is maintained.

8. Claims 1 – 4, 6 – 14 and 24 are rejected under 35 U.S.C. 103(a) as being unpatentable over Derrick, Jr. et al. (US 5,221,008) in view of Bailey (US 4,728,422). The details of the rejection can be found in paragraph 12 of the Office Action dated 7/10/07. The rejection is maintained.

***Response to Arguments***

9. Applicant's arguments filed 10/10/07 have been fully considered but they are not persuasive.

10. Applicant has failed to respond to the 35 USC 112, 2<sup>nd</sup> paragraph rejection of claim 7. Please see the rejection above for details. The rejection is maintained.

11. Applicant argues that the differential tensioning disclosed in Bailey would not result in the present invention. Applicant indicates that the differential tensioning in Bailey is different than the claimed invention. It should be noted that Bailey specifically teaches the concept of differential tensioning of overlaying meshes to create a self-cleaning filter (see column 2, lines 35 – 42, Bailey). The Examiner submits that Bailey

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provides sufficient support for the differential tensioned wire cloth screen as claimed by Applicant. Applicant argues that the differential tensioning is adopted for reasons other than self-cleaning unlike Bailey. The Examiner submits that the claimed structure is rendered obvious over Just in view of Bailey and Derrick in view of Bailey. Since the claimed invention and the prior art invention are the same, the Examiner submits they will function in the same way. It should be noted that "the use of patents as references is not limited to what the patentees describe as their own inventions or to the problems with which they are concerned. They are part of the literature of art, relevant for all they contain". *In re Heck* Applicant submits that there are unexpected benefits but does not provide evidence of the benefits which supports the argument that they are unexpected. The rejections are maintained.

### ***Conclusion***

**THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of

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the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to JENNIFER A. CHRISS whose telephone number is (571)272-7783. The examiner can normally be reached on Monday - Thursday, 8 am - 6 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Terrel Morris can be reached on 571 - 272-1478. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Jennifer A Chriss/  
Examiner, Art Unit 1794  
December 19, 2007

/Ula C Ruddock/  
Primary Examiner, Art Unit 1794

